

APPROVED NOVEMBER 19, 2003



**MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
NOVEMBER 5, 2003**

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Tony Nelssen, Commissioner
Jeffery Schwartz, Commissioner

STAFF: Tim Curtis
Randy Grant
Donna Bronski
Kira Wauwie
Al Ward

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

MINUTES APPROVAL

October 22, 2003

APPROVED

COMMISSIONER BARNETT requested a correction to the October 22, 2003 minutes, on Page 12, motion on case 18-UP-2003 the stipulation reads: "THE HOURS OF OPERATION WOULD BE FROM 7:00 A.M. TO 7:00 PM". Should be amended to read: THE HOURS OF OPERATION ARE RESTRICTED FROM 7:00 A.M. TO 7:00 P.M."

CHAIRMAN GULINO requested corrections to the minutes, on Page 10, fourth paragraph that reads: "He further stated that he was initially opposed to the up until the time he saw the site plan". Should be changed to read: "He further stated that he was initially opposed to the plan until the time he saw the site plan. On page 20, fourth paragraph reads: He further stated they are being put into a position to make a decision that he felt they have business making. He remarked his concerns are regarding the people who do not want this because he felt this restriction was a taking away". Should be changed to: "He further stated they are being put into a position to make a decision that he felt they have no business making. He remarked his concerns are regarding the people who do not want this because he felt this restriction was a taking".

COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE OCTOBER 22, 2003 MINUTES AS AMENDED. SECOND BY VICE CHAIRMAN STEINBERG.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

CONTINUANCES

2-TA-2003 (Downtown Overlay – Six Month Review) request by City of Scottsdale, applicant, for a Text Amendment to amend City of Scottsdale Zoning Ordinance (Ordinance No. 455) Article VI., SUPPLEMENTARY DISTRICTS; Section 6.1200., (DO) DOWNTOWN OVERLAY.; Section 6.1201. Purpose.; Section 6.1202. Conflict with other sections.; Section 6.1210. Definition.; Section 6.1220. Approvals Required.; Section 6.1230. Land use Standards.; Section 6.1240 Land Use Classifications.; Section 6.1241. Residential Use Classifications.; Section 6.1242. Commercial Use Classifications.; Section 6.1250. Site Development Standards.; Section 6.1251. Additional Regulations.; Section 6.1260. Parking Regulations.; Section 6.1270. Revitalization Bonus/Incentive Provisions.; Article IX., PARKING AND LOADING REQUIREMENTS; Section 9.104. Programs and incentives to reduce parking requirements.; Section 9.108. Special parking requirements in districts. The Downtown area is generally bounded by Chaparral Road on the north, Miller Road on the east, Earll Drive on the south and 68th Street on the west. **Continued to November 19, 2003.**

COMMISSIONER HEITEL MOVED TO CONTINUE CASE 2-TA-2003 TO THE NOVEMBER 19, 2003 PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER SCHWARTZ.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

CHAIRMAN GULINO stated cases 20-UP-2003 and 21-UP-2003 has been moved to the regular agenda. Case 35-ZN-1995#4 has been moved from the regular to the expedited agenda.

20-UP-2003 (McDowell Mountain Storage) request by McDowell Mountain Storage LLC, applicant, Bell 19C3 LLC, owner, for a conditional use permit for internalized community storage on a 5.2 +/- acre parcel located near the southwest corner of Bell Road and 94th Street with Highway Commercial District (C-3) zoning.

(PULLED TO REGULAR AGENDA)

21-UP-2003 (McDowell Mountain Storage) request by McDowell Mountain Storage LLC, applicant, Bell 19C3 LLC, owner, for a conditional use permit for exterior unoccupied recreational/vehicle storage on a 5.2 +/- acre parcel located near the southwest corner of Bell Road and 94th Street with Highway Commercial District (C-3) zoning.

(PULLED TO REGULAR AGENDA)

9-AB- 2003 (Basha's Shopping Center) request by Pederson Group Inc, applicant, Basha's Inc., owner, for an Abandonment of excess street right-of-way along Indian School Road.

35-ZN-1995#4 (The Canal at Cattle Track) request by LVA Urban Design Studio, applicant, Michael Ellis & Janie Ellis Jones, owners, for approval of a site development plan for Phase 2 and future phases of the historic & cultural arts campus on a 13 +/- acre parcel located at the 6105 Miller Road with Special Campus (SC) and Historic Property (HP) District zoning.

COMMISSIONER BARNETT MOVED TO FORWARD CASES 9-AB-2003 AND 35-ZN-1995#4 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER SCHWARTZ.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

COMMISSIONER NELSEN stated it was quoted in the paper regarding Cattle Track Colony and it says: Adobe and redwood, rusted metal, and Palo Verde's gravel driveways and beauty in an oasis amid a too busy city. He further stated for the record, he would like to suggest those amenities are badly needed in a much larger area of the city.

REGULAR AGENDA

20-UP-2003 (McDowell Mountain Storage) request by McDowell Mountain Storage LLC, applicant, Bell 19C3 LLC, owner, for a conditional use permit for internalized community storage on a 5.2 +/- acre parcel located near the southwest corner of Bell Road and 94th Street with Highway Commercial District (C-3) zoning.

21-UP-2003 (McDowell Mountain Storage) request by McDowell Mountain Storage LLC, applicant, Bell 19C3 LLC, owner, for a conditional use permit for exterior unoccupied recreational/vehicle storage on a 5.2 +/- acre parcel located near the southwest corner of Bell Road and 94th Street with Highway Commercial District (C-3) zoning.

CHAIRMAN GULINO stated it was his understanding that these cases were pulled to the regular agenda to discuss the hours of operation. He further stated he felt they would not need to hear the staff presentation on these cases.

VICE CHAIRMAN STEINBERG stated there is documentation that speaks to the hours of operation. The McDowell Mountain Storage has agreed to close the east gate from 11:00 p.m. to 5:00 a.m., and restricting any ingress and egress during those nighttime hours to only emergency and utility company vehicles.

COMMISSIONER NELSEN stated he would support further modification to those hours.

CODY MARTIN, 8716 N. 69th Street, Paradise Valley, AZ, stated he represents the applicant. He further stated with regard to the hours of operation they are proposing to restrict ingress and egress from the 94th Street gate, which would move any traffic over to 93rd Street and they are willing to stipulate to 9:00 p.m. to 6:00 a.m.

CHAIRMAN GULINO inquired if that was for both the vehicle storage and the internal storage. Mr. Martin stated the question was brought up regarding the vehicle storage that building is completely internalized and there is no access to any units from the interior of the building and does not produce any light or noise.

VICE CHAIRMAN STEINBERG inquired about the proposed use for the land to the northeast that over looks the RV storage. Mr. Martin stated he believes that land has been approved for a gas station or convenience store.

COMMISSIONER HEITEL stated for clarification they are proposing only to restrict the hours to the east gate for the outside storage of RV so the RV people could still drive through the neighborhood to the east to come to this facility. Mr. Martin replied in the affirmative. He stated that commercial buildings surround this property. Their concern right now is that the residential neighbors are not effected by the noise so what they are proposing during those hours they are entering and exiting off 93rd Street, which is far away from the residential.

COMMISSIONER HEITEL inquired if it is important for outdoor storage facilities to have those midnight hours for outside storage ingress and egress. Mr. Martin replied in the affirmative. He stated when people are going on a trip they might want to come in early and prepare their RV.

COMMISSIONER BARNETT inquired if it would be possible to stipulate as part of the conditional use permit that this be brought back in two years to review if there have been any neighborhood complaints. Ms. Bronski replied that would be possible.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

HAROLD SILVER, 94th and Bell, stated he is concerned about the wires over the outdoor storage facility and how high the overhangs are going to be and so forth. Would the entrance to the drive through facility be visible to the people on the street or would there be a solid gate. They are greatly concerned about the hours of operation for the outdoor storage. He concluded they are also concerned about the value of their property with this three-story building right across the street from them.

JAY GOLD stated that he represents the owners of the property to the north and to the south of this property. He further stated they received permission about six or eight months ago to put a car wash gas station on the property to the northeast and their hours of operation were not restricted. He remarked it seems unreasonable to ask this applicant to restrict their hours of operation more than what they have already committed to. He further remarked it is unfortunate when there is residential next to a project that has been zoned C-3. This project has been zoned C-3 long before this residential project went up. He concluded he speaks in favor of this request.

COMMISSIONER HEITEL stated isn't the purpose of the use permit process to ensure compatibility with the residential neighborhood. Mr. Gold replied in the

affirmative. He stated he is trying to speak more in terms of common sense noting that he felt the applicant was being very reasonable.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

MR. MARTIN presented information on the community involvement that has occurred throughout this process.

COMMISSIONER SCHWARTZ stated he felt Mr. Gold had a valid point that this use is no more intense and probably less intense than what is happening on the corner at the service station and their hours were not restricted.

COMMISSIONER BARNETT MOVED TO FORWARD CASE 20-UP-2003 TO THE CITY COUNCIL SUBJECT TO IT MEETS THE USE PERMIT CRITERIA AND WITH THE ADDED STIPULATION:

RESTRICTIONS ON THE EAST GATE FROM 9:00 PM TO 6:00 AM THERE WOULD BE NO INGRESS OR EGRESS.

SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

COMMISSIONER BARNETT MOVED TO FORWARD CASE 21-UP-2003 TO THE CITY COUNCIL SUBJECT TO IT MEETS THE USE PERMIT CRITERIA AND WITH THE ADDED STIPULATIONS:

THE EAST GATE IS CLOSED FROM 9:00 PM TO 6:00 AM.

THEY MUST REAPPLY FOR A CONDITION USE PERMIT IN TWO YEARS.

SECOND BY COMMISSIONER NELSEN.

CHAIRMAN GULINO stated for clarification when they refer to the east gate they are talking about the east gate into the parking area not the driveway entrance on 94th Street.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

11-TA-2000#3 (Text Amendment/ESLO II) request by City of Scottsdale, applicant, for a Text Amendment to amend Ordinance 455 (Zoning Ordinance) Article VI. Supplementary Districts., Section 6.1010. Environmentally Sensitive Lands Ordinance (ESLO).; Section 6.1011. Purpose.; Section 6.1050. Intensity of Development.; Section 6.1060. Open Space Requirements.; Section 6.1070. Design Standards.; Section 6.1071. Design Guidelines.; Section 6.1083.

Amended Development Standards.; Section 6.1090. ESL Submittal Requirements.; Section 6.1091. All Applications. This covers approximately 134 square miles of upper desert and mountain areas of Scottsdale and is located north and east of the Central Arizona Project (CAP) Canal.

MR. WARD presented this case as per the project coordination packet. Staff recommends approval, subject to the attached ESLO Text Amendment.

COMMISSIONER NELSEN requested additional information on the options for exemptions to the height restrictions. Mr. Grant reviewed the three options. Commissioner Nelsen inquired why staff was recommending something different from what the City Council approval of a 24 foot height restriction on residential. Mr. Grant stated at the time Council Adopted ESL this last time around five of the Council members expressed interest in some type of exemption process. Also there were a lot of people who were caught in between their building plans for 26 feet and when the ordinance went into effect at 24 feet there was no opportunity for appeal. Staff felt it was appropriate policy to recommend they have some type of forum for residential and nonresidential to have an exemption.

Commissioner Nelsen inquired if there would be a fee to apply for an exemption going before the Planning Commission. Mr. Grant stated right now they do not have a process for exemptions to go before the Planning Commission but typically, they would look for a recovery mechanism.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

SAM WEST stated he is an architect in Scottsdale. He further stated that he felt the issue of storm water management needs to be brought into this ESLO. He suggested prior to going to City Council that the issue of storm water management is looked at. He passed out a copy of the County Requirements for development in the desert.

HOWARD MYERS, 6631E. Horned Owl Trail, passed out to the Commission a synopsis of what Council asked, what staff has done and the problems that were left to handle. The main problem is reliance on the Flood Plane Ordinance to take care of the needs of ESLO, but there are needs that it does not take care of therefore the goals are not achieved. Specifically it does not address sheet flow. Does not address wildlife corridors, vegetation, views of NAOS. He reported major issues are walls and wash protection because walls cut off water flow, cut off wildlife movement, and block views of NAOS. He showed pictures of areas where walls have been placed in washes. He noted there is a 50 CFS threshold in ESL area and the rest of the city has a 25 CFS standard. He noted he felt that perimeter walls are not needed in ESLO and if there are walls, there should be space between them to allow wildlife movement.

Mr. Myers stated the height issue was decided by the City Council on April 1st unanimously 24 feet for all buildings, and it should not be an issue now. The variance process was left somewhat vague and that needs definition.

COMMISSIONER HEITEL stated he would be interested in Mr. Myers' thoughts on the disconnect between the Flood Plane Ordinance and ESLO. Mr. Myers stated the Flood Plane Ordinance is designed to issues relating to flooding and does not address the goals of ESLO. He reviewed the issues that need to be addressed.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

MR. GRANT stated that he has a great deal of respect for Mr. Myers' perspective and for his expertise. He presented information on what they tried to accomplish with this update. He further stated there needs to be enough flexibility in the ordinance to respond to unique circumstances. He remarked that with regard to the height exemptions they are presenting options.

COMMISSIONER NELSEN stated regarding the Building Height Options he requested staff elaborate on the phrase "...provided that the additional height can be shown to be necessary because of limitations imposed by the nature of the lot and specific nature of the use..." he noted that he did not like the phrase "specific nature of use". He further noted the exceptions they are trying to work for are truly for hardships. He further noted he felt that statement was too broad. Mr. Grant stated he looks at exceptions being related to the conditions of each particular property. The difficulty he would have in defining specifically when a hardship occurs is that every application will be different and he did not think they could anticipate what a hardship would be uniformly over 130 square miles. Therefore, their recommendation is that the decision on whether an exemption is warranted is left up to somebody to decide.

Commissioner Nelsen inquired if staff's recommendation is going to cause a considerable overload on the DR. Mr. Grant replied it could but they don't know how many people would want to take advantage.

Commissioner Nelsen stated the purpose for imposing a height restriction is to maintain the natural character of the desert. He expressed his concerns with exceptions to the 24-foot height limitation.

Commissioner Nelsen inquired why a 25 CFS wash is protected in other areas of the city and not in ESL. He also inquired when you are trying to measure cubic feet per second in a wash at what point is the 50 CFS measured. Mr. Erickson stated with regard to 25 CFS is generally considered throughout the United States as being a reasonable amount and it was determined 50 CFS

would be an equal taking in the northern part of the city because of the slope. The 50 CFS was developed as a matter of equality within the city. He discussed how the 50 CFS is measured.

Commissioner Nelssen stated there is also the issue of allowing perimeter walls to be constructed in washes. Mr. Erickson stated with regard to walls if it can be demonstrated by technical means by a registered engineer that what is being done is safe then they drop out of the Flood Plane Ordinance and go into ESL. He further stated that probably ESL would be a better place to say you can't have a fence across a wash.

COMMISSIONER SCHWARTZ he felt these issues should be looked at on a case by case basis because every wash is different and every condition is different.

CHAIRMAN GULINO stated as he recalls the Flood Plane Ordinance is dictated by FEMA. Mr. Erickson replied that part of the ordinance is dictated by FEMA.

Chairman Gulino stated with regard to building height he did not have any problem with how it is presented in their draft. He further stated he felt if someone wants to do something between 24 to 30 feet with a six foot increase over 20 percent of the first floor footprint he felt staff was more than capable of handling that and he thought they should change DR approval to staff approval. Likewise as you read further down in the text it stated City Council approval for anything beyond that and he felt it should read DRB approval. He further stated he did not think there should be a distinction between residential versus nonresidential. Just have guidelines for height. He commented he would encourage the development of a policy or have something in the design manual that would give the applicants some guidance.

Chairman Gulino stated his recommendation relative to the drainage is the 50 CFS capacity is a loose definition and he thought stands to cause problems. He further stated he would prefer to see it speak more to the intent.

COMMISSIONER NELSEN reiterated his concerns regarding having perimeter walls. He stated if people have legitimate reasons to have a perimeter wall, they should have to go through the variance process. He remarked he would respectfully disagree with Chairman Gulino giving staff the power regarding what is appropriate for an exception for height because he felt it should be dealt with in a public forum. He further remarked regarding the height issue this has already been dealt with by the City Council and it was unanimous. It was a 24 foot height restriction.

COMMISSIONER HEITEL stated he would agree with Commissioner Nelssen regarding the 24 foot height issue has already been dealt with by City Council.

He further stated the water course issues are bothersome to him in the way that they have been addressed in the past.

CHAIRMAN GULINO requested a clarification on page 17, Section 6.1071, No 4. Reads: "DISTURBANCE TO SITES DURING CONSTRUCTION SHOULD BE MINIMIZED AND LIMITED TO THE PORTIONS OF THE SITE ON WHICH CONSTRUCTION IS IMMINENT."

He stated that he has been involved in debates where the word building envelope, construction envelope, and improvement envelope are sometimes interchanged noting everybody has different definitions for them. He further stated his experience is improvements seem to be the more general encompassing, which tells them whether it is a building driveway, a lawn, cabana that would encompass all that so he would like to switch that to improvements.

MR. GRANT stated the issue was brought up that sometimes a property owner would go out and grade more of the area than needed for the improvements that they are performing. He further stated building envelope relates to something different. What they are saying is that the way this is worded is when someone comes in to do grading or to disturb the site that they are looking for least amount disturbance necessary for them to achieve the improvement that they are performing.

CHAIRMAN GULINO stated Item 2 on same page it would be a good idea to add language regarding preserving the migration corridors. He further stated he would request that be included in the motion.

COMMISSIONER NELSEN MOVED TO FORWARD CASE 11-TA-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE FOLLOWING CHANGES:

THE CHANGES JUST SUGGESTED BY CHAIRMAN GULINO.

ON PAGE FOUR, BUILDING HEIGHTS IN R-1 DISTRICT OPTION 2 THAT ALL RESIDENTIAL STRUCTURES WOULD BE TO LIMITED TO 24 FEET AND NONRESIDENTIAL BUILDINGS TO OBTAIN APPROVAL FOR A VARIANCE FROM THE BOARD OF ADJUSTMENT OR ALTERNATIVELY PLANNING COMMISSION AND CITY COUNCIL THROUGH THE PUBLIC HEARING PROCESS.

ON PAGE 6, SECTION 6.1060 OPEN SPACE REQUIREMENTS – NAOS SHOULD BE CHANGED TO READ: "IN ORDER TO PRESERVE SENSITIVE ENVIRONMENTAL CONDITIONS, RETAIN AND PROTECT MEANINGFUL DESERT OPEN SPACE, MAINTAIN VISUAL AMENITIES, AND MITIGATE HAZARDS TO PROMOTE HEALTH, SAFETY, AND WELFARE OF THE

PUBLIC...

UNDER THE SECTION ON PERIMETER WALLS, IT SHOULD BE STATED THAT PERIMETER WALLS ARE PROHIBITED AND RECOMMEND THE CITY COUNCIL LOOK AT A VARIANCE PROCESS WHERE NECESSARY.

COMMISSIONER NELSEN stated realizing in the foothills area perimeter walls are already proceed prohibited on the lot line you have to bring them back within the setback so he is talking a perimeter wall would be on property line.

REVISE ATTACHMENT 5 TO READ AS FOLLOWS: "...FOR NON-RESIDENTIAL BUILDING BY NO MORE THAN SIX (6) FEET, AND FOR NO MORE THAN 20% OF THE BUILDING PAD AREA, PROVIDED THAT THE ADDITIONAL HEIGHT CAN BE SHOWN TO BE NECESSARY BECAUSE OF LIMITATIONS IMPOSED BY THE NATURE OF THE LOT AND THAT CAUSES HARDSHIP..."

COMMISSIONER SCHWARTZ requested clarification regarding the perimeter wall stipulation. Mr. Grant stated what he understood was this stipulation would prohibit perimeter walls on property line.

MR. GRANT stated let me make sure he understood are they talking about an individual property that wanted to put perimeter wall around their property or are they talking specifically about subdivision perimeter walls. Commissioner Nelsen replied it would be all perimeter walls. He stated that what he was trying do was to get away from focusing on drainage issues, not that there not important, secondary to that is to allow wildlife corridors, open space from property to property. When they end up with one acre lots, two acre lots and have continuous perimeter wall they basically eliminated one of the purposes of the ordinance and that is to provide for wildlife corridors. If someone comes in and says this is why they want to have this, there should be a process to get a variance. He remarked he did not want to rubber stamp no you cannot have perimeter walls where ever you happen to be because that is not appropriate. He further remarked in order to support the purposes of the ordinances he did not think they can allow perimeter walls and discourage is not a strong enough word.

MR. GRANT inquired are you recommending that they do what is similar to the foothills overlay. Commissioner Nelsen replied in the affirmative as long as it indicated no perimeter walls on the property line. Mr. Grant inquired if somebody comes and they were to propose it a foot off the property line it would be off the property line but he was not sure that is achieving what you are asking. Commissioner Nelsen stated you have rear yard, side yard, and front yard setback it would be behind those setbacks.

COMMISSIONER NELSEN stated that Mr. West and Mr. Myers have put a lot of time into this issue and he would request City Council look at their suggestions.

VICE CHAIRMAN STEINBERG inquired how the 50 CFS is measured. Mr. Erickson explained how the 50 CFS is measured.

COMMISSIONER SCHWARTZ inquired if the recommendation for perimeter walls means if he is developing a subdivision of 15 lots he can't have a perimeter wall unless he goes through the variance process for his development for that perimeter wall. Mr. Grant replied that is how he understood the motion.

COMMISSIONER SCHWARTZ stated he would like to make it clear why he would not be supporting this recommendation. He further stated that he believed when developing a subdivision taking care of all the hydrology issues, the NAOS within the development it is appropriate to have in certain conditions and areas like master plan communities and small subdivisions these perimeter walls. Perimeter walls that can adapt to the open space to the NAOS and ESL Ordinance but he thought the perimeter walls stipulation should be directed towards individual lots within a development and not to the master development as it is subdivided.

CHAIRMAN GULINO stated that let's keep in mind there is a difference between fences and walls.

Chairman Gulino stated they have a motion but they need a second.

COMMISSIONER HEITEL stated he would like to make a clarification on the perimeter wall issue that individual residents are still permitted to have fences around their individual properties.

COMMISSIONER HEITEL SECONDED THE MOTION WITH THE FOLLOWING ADDITIONS AND MODIFICATIONS:

PAGE 10, NO. 3 SHOULD BE MODIFIED TO READ:

NAOS LOCATION. THE LOCATIONS OF NAOS ON A SITE PLAN OR PRELIMINARY PLAT SHALL BE BASED ON THE FOLLOWING IN ORDER OF PRIORITY:

A. PRESERVATION OF NATURAL WATERCOURSES WITH EMPHASIS ON RIPARIAN HABITATS ASSOCIATED WITH MAJOR AND MINOR WATER COURSES AND ALSO TO INCLUDE THE NEED FOR UNIMPEDED WILDLIFE ACCESS AND MOVEMENT WITHIN AND BETWEEN NAOS AREAS INCLUDING MINOR AND MAJOR WATER COURSES, VISTA CORRIDORS,

**SCENIC CORRIDORS AND PARTICULARLY AT THE MCDOWELL
SONORAN PRESERVE BOUNDARY.**

PAGE 16, 1. (I) SHOULD BE MODIFIED TO READ:

ANY PROPOSED MODIFICATIONS TO NATURAL WATERCOURSES *OF 50 CFS OR GREATER MUST NOT DISRUPT WILDLIFE MOVEMENT OR HABITAT OR THE DENSITY OF THE NATURAL VEGETATION AND IF A WASH IS DIVERTED MUST BE CAPABLE OF CARRYING THE SAME VOLUME OF WATER IN 100 YEAR EVENT MUST BE RETURNED TO A NATURAL STATE AND MUST ENTER AND EXIT THE PROPERTY AT THE SAME PLACE. THAT ANY WALLS ALLOWED SHALL NOT ENCLOSE OR BLOCK NAOS BE PERMITTED TO CROSS WASHES OF 50 CFS OR GREATER AND ANY FENCES NOT BE ALLOWED TO BLOCK WILDLIFE MOVEMENT IN NAOS AND WATER COURSE AREAS.*

COMMISSIONER NELSEN stated that he did not have any issues with the proposed modifications but felt there were some redundancies because if you don't have perimeter walls some of those issues would go away. Commissioner Heitel stated he wanted to make it clear in wash areas regardless of them being called perimeter walls that they are not being blocked. Commissioner Nelsen stated he would agree with the modifications because they are saying the same thing.

CHAIRMAN GULINO requested staff summarize the motion. Mr. Grant provided a summary of the motion.

CHAIRMAN GULINO stated he does support passing this on to the City Council but he did not support all the changes that have been made tonight so he would vote against it.

Chairman Gulino called for the vote.

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO TWO (2) WITH
CHAIRMAN GULINO AND COMMISSIONER SCHWARTZ DISSENTING.**

CHAIRMAN GULINO stated these ordinances are difficult to go through so he suggested in the future they should have a more affective way to go through the document and craft a motion.

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 7:30 p.m.

Respectfully Submitted,

"For the Record " Court Reporters